UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,903	09/30/2003	Jeyhan Karaoguz	14449Us02	6132

23446	7590	04/11/2006	

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EXAMINER
PHAN, TRI H

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/675,903	KARAOGUZ ET AL.
	Examiner	Art Unit	
	Tri H. Phan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 February 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-31* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-31* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1.   This Office Action is in response to the Response/Amendment filed on February 17th,

2006. Applicant's arguments with respect to the rejection of claims 1-31 have been fully

considered and are persuasive. Accordingly, the Final rejection mailed in 12/14/2005 has been

withdrawn. Claims 1-31 are now pending and moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Knox et al.**

(U.S.2003/0158928; hereinafter refer as 'Knox') in view of **Liwerant et al.** (U.S.2005/0246752;

hereinafter refer as 'Liwerant').

        - In regard to claims 1, 11 and 21, **Knox** discloses about the *computer program, system*

and method for controlling transfer of media content in the communication network (for example

see figures. 1-2, 10; page 2, para [0010]; wherein the data processor, i.e. *"processor"*, in the

distributed file system provides services through application process, e.g. *"program code"*, as

disclosed in Abstract; page 7, para [0052]); *which comprise receiving the input specifying the*

media file (for example see page 5, paras [0036-0037]; figures. 7-9; page 6, para [0048]) *for*

transfer via the communication channel (for example see page 5, para [0037], [0041]; wherein

the distributed file system 26 receives the uploading media files from the user for distributing to

a plurality of servers 30 as disclosed in figures 1-2) *in the communication network, causing a*

display of a plurality of quality of service options corresponding to the media files for selection

by a remote user (for example see figure 7; page 6, para [0048], lines 4-11; wherein the user

interface is provided by the system to the client, e.g. *"causing a display"*, for selecting media

files with different characteristics, such as xx_jefferson_airplane.asf with different sizes or

"plurality of quality of service options", to check-in the selecting media file(s) through the

checkbox or selecting options); *receiving a quality of service selection specifying at least one of*

said plurality of quality of service options (For example see page 4, para [0033], lines 20-28;

page 6, para [0046], lines 3-8; wherein the system receives the uploading file from the user with

the selected quality of service the customer has chosen for that file, through the plurality of

characteristic options disclosed in figure 7); *and transferring the media file via the*

communication channel utilizing the quality of service selection (For example see page 6, para

[0046]; page 7, paras [0050-0051]). **Knox** does disclose about the selecting media files with

different characteristics, such as xx_jefferson_airplane.asf with different sizes or *"plurality of*

quality of service options", to check-in the selecting media file(s) through the checkbox or

selecting options as disclosed in figure 7, but fails to explicitly disclose the *"display of a*

plurality of quality of service options corresponding to said at least one media file" for selection

by a remote user. However, such implementation is known in the art.

For example, **Liwerant** discloses about method and system for distributing the sharing

video in streaming video over the network, which *causing a display of a plurality of quality of*

service options corresponding to said at least one media file for selection by a remote user (for

example see figure 11, page 10, para [0127-0128]; wherein the screen 1100 provides the user's

control of the operational setting to the configuration and compression of the audio and video

settings for the selected uploading file as disclosed in figure 10).

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the invention as taught by **Liwerant,** by combining the

selecting the configuration and compression of the audio and video settings for the selected

uploading file into the **Knox's** selected uploading file, with the motivation being to improve the

ability to select choices from different characteristics for an selected uploading file, e.g. *"a*

plurality of quality of service options corresponding to said at least one media file", in

improving the efficiency of transmission as disclosed in **Liwerant:** page 1, para [0011], lines 6-7.

- Regarding claims 2, 4, 12, 14, 22 and 24, in addition to features in base claims 1, 11 and

21 (see rationales pertaining the rejection of base claims 1, 11 and 21 discussed above), **Knox**

further discloses about *transferring at least a portion of said specified parameters* ('selected

characteristics') *to the first communication device* ('distributed file system 26' and 'distributed

servers 30' in figures 1-2) *coupled to the communication network* (For example see Figs. 1-2, 10;

page 6, paras [0044], [0046-0048]; wherein the servers 30 of the distributed file system manages

the streaming media content and streaming media operations, e.g. *"media server"*, for

distributing media files as disclosed in page 2, para [0010]; page 5, para [0037]).

- In regard to claims 3, 13 and 23, in addition to features in base claims 1, 11 and 21 (see

rationales pertaining the rejection of base claims 1, 11 and 21 discussed above), **Knox** further

discloses about *configuring at least a portion of said communication channel by the second*

device ('agents') *utilizing the transferred at least a portion of said specified parameters* (For

example see page 2, para [0016]; page 7, para [0051]).

- Regarding claims 5, 15 and 25, in addition to features in base claims 1, 11 and 21 (see

rationales pertaining the rejection of base claims 1, 11 and 21 discussed above), **Knox** does

disclose about selecting media file for deploying and distributing the streaming media asset (for

example see page 4, para [0033], lines 13-20; page 6, para [0048], lines 17-21); but **fails to**

explicitly disclose about generating said received input specifying said at least one media file for

transfer via *at least one of a media guide, channel guide and a device guide*. However, such

implementation is known in the art.

For example, **Liwerant** discloses about generating said received input specifying said at

least one media file for transfer via *at least one of a media guide, channel guide and a device*

guide (for example see figure 11; page 10, para [0128], lines 13-19; wherein the camera source

device or audio source device is selected for the source's uploading file, e.g. *"device guide"*).

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the invention as taught by **Liwerant**, by combining the

selecting the source device for the selected uploading file into the **Knox**'s selecting media file for

deploying and distributing the streaming media asset, with the motivation being to improve the

ability to select choices from different sources for an selected uploading file in improving the

changing configuration ability of the audio, video, and compression devices as disclosed in

Liwerant: page 10, para [0127], lines 3-6.

- In regard to claims 6, 16 and 26, in addition to features in base claims 1, 11 and 21 (see

rationales pertaining the rejection of base claims 1, 11 and 21 discussed above), **Knox** discloses

about the distributed file systems for providing services for loading, staging, distributing and

delivering streamed media content over data network. **Knox** does disclose about the user device

(for example see page 3, para [0028], lines 6-11) for providing inputs to access and manage

media files over data network. Though, **Knox** does not explicitly disclose about "*the television

screen within the home*"; however, such implementation is known in the art.

For example, **Liwerant** discloses about the display device as the Web TV or television set

("*the television screen within the home*"; for example see page 3, para [0038], lines 34-37).

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the invention as taught by **Liwerant**, by providing the

display such as Web TV or television set into the **Knox**'s display device, with the motivation

being to improve the display choices from different environment in displaying input data.

- Regarding claims 7, 17 and 27, in addition to features in base claims 1, 11 and 21 (see

rationales pertaining the rejection of base claims 1, 11 and 21 discussed above), **Knox** further

discloses about "*buffering the media file*" during transferring ('media-on-demand file'; for

example see figure 2, page 5, paras [0036-0037]; wherein, "*queuing the media file*" is obvious in

order to transferring streaming media files suited with data rates and different formats.

Thus it would have been obvious to the person of ordinary skill in the art at the time of

invention was made to implement the "*queuing the media file*" into the **Knox'** storing process,

with the motivation being to improve the ability to manage and distribute the streaming media

files.

- In regard to claims 8-9, 18-19 and 28-29, in addition to features in base claims 1, 11 and

21 (see rationales pertaining the rejection of base claims 1, 11 and 21 discussed above), **Knox**

further discloses about "*varying the cost depending on the selected parameters that specify the

quality of service*" (For example see page 7, para [0051]; wherein the cost for delivering the

streaming media asset is determining as the function of the subscribed level of service and the

billing cost determining by the billing system is "*presenting the cost for transferring the media

file utilizing quality of service selection*").

- Regarding claims 10, 20 and 30, in addition to features in base claims 1, 11 and 21 (see

rationales pertaining the rejection of base claims 1, 11 and 21 discussed above), **Knox** further

discloses *wherein the parameters for the transfer of the media file comprises encoding type* (For

example see page 4, para [0033], page 5, para [0036]), *encoding rate* (For example see page 2,

para [0016]), *the bandwidth to be utilized for transfer* (For example see page 5, para [0041]), *the*

time to be utilized for the transfer (For example see page 1, para [0005]), *and the cost for the*

transfer (For example see page 7, para [0051]).

- In regard to claim 31, in addition to features in base claim 21 (see rationales pertaining

the rejection of base claim 21 discussed above), **Knox** further discloses *wherein the processor is*

the computer processor ('data processor'; For example see page 7, para [0052]).

Response to Amendment/Arguments

4.   Applicant's arguments filed on February 17th, 2006 with respect to claims 1-31 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Sahai et al. (U.S.6,594,699), **Cao, Yousheng** (U.S.6,782,550), **Ellis et al.** (U.S.6,774,926)

and **Buttar et al.** (EP1076459) are all cited to show devices and methods for improving the Qos

in sharing media in the telecommunication architectures, which are considered pertinent to the

claimed invention.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The

examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi H. Pham can be reached on (571) 272-3179.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street,
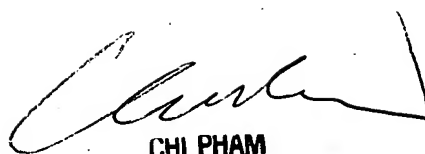
Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office, whose telephone

number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri H. Phan
April 6, 2006

CHI PHAM
SUPERVISORY PATENT EXAMINER

4/7/06